

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Dumitru's findings of fact and conclusions of law as set forth in the Report and Recommendation [Doc. 5]. This case is hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff's pending Application to Proceed *In Forma Pauperis* [Doc. 1] is **DENIED AS MOOT** with no filing fee assessed. A separate judgment will enter.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE